

Vermont Department of Environmental Conservation

Watershed Management Division

Rutland Regional Office

88 Merchants Row, Suite 430 Asa Bloomer Building

Rutland, VT 05701-5903

www.watershedmanagement.vt.gov

Agency of Natural Resources

[phone] 802-786-5900

[fax] 802-786-5915

[cell] 802-490-6163

Statutory Authority:

*This permit is issued under Title 10,
Vermont Statutes Annotated, Chapter 41,
Subchapter 2, Alteration of Streams.*

Sarah Ludlam

Town of Pawlet

122 School St., Pawlet, VT 05761

Phone: 802-325-3309

Permit No.: SA-07-0001**Re: BullFrog Hollow Brook Culvert on Bullfrog Hollow Road in the Town of Pawlet**

Replacement of existing 5 ft diameter corrugated metal pipe with a 10' wide by 7' high precast box culvert. The below mentioned documents have been reviewed by the River Management Engineer (RME) and the subject project is hereby approved under the above named statutes, subject to the following conditions:

1. This project shall be accomplished according to the permit information and plans dated February 25, 2015 as submitted to this office on April 3, 2015. No changes shall be made to the approved permit conditions and/or project plans without prior written approval from the permitting authority.
2. All construction equipment shall be clean and well maintained, free of fuel, hydraulic and gear oil leaks, especially if such equipment is to be used to work in or adjacent to the water. There shall be no equipment allowed to operate in flowing water of the river and there shall be no discharge of raw concrete into the river.
3. All areas of streambank disturbed during construction shall be constructed per plan. Strictly limit the extent of streambank disturbance. Maintain as much established vegetation as possible, replanting may be necessary.
4. Bed armoring associated with this project shall conform to the Draft Streambed Fill Specification outlined in Appendix M of the Vermont ANR Rivers Program Standard River Management Principles and Practices.
5. At the request of the District Fisheries Biologist, all in-stream wet work shall be restricted to the period from June 1st to October 1st. Contractor proposals for construction activities in or adjacent to flowing water during the restricted period must be isolated from stream flow and must receive prior approval from the regional RME.
6. The project site shall be stabilized with appropriate erosion prevention and sediment control (EPSC) measures specified by the approved project plans, the VT Department of Environmental Conservation and/or the VT Agency of Transportation.
7. The permittee shall contact Josh Carvajal at (802)490-6163, prior to construction so that a pre-construction meeting can be scheduled with the contractor to discuss construction procedures and materials required.
8. This permit expires on October 1, 2015 and it can be revoked at any time inspection reveals that the project is in non-compliance with the above conditions.

Please be aware that if the proposed project is located in a municipality that participates in the National Flood Insurance Program (NFIP) and involves any development (including construction of structures, the placement of fill, storage of equipment, grading, excavating, etc...) within the Special Flood Hazard Area (SFHA) as delineated on the FEMA Flood Insurance rate Maps (FIRMs), a review will be required by the municipality's floodplain manager. Please contact the local zoning administrator or town clerk for information on compliance.

Pursuant to 10 V.S.A. Chapter 220, any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of the decision. The appellant must attach to the Notice of Appeal the entry fee of \$225.00, payable to the state of Vermont. The Notice of Appeal must specify the parties taking the appeal and the statutory provision under which each party claims party status; must designate the act or decision appealed from; must name the Environmental Court; and must be signed by the appellant or their attorney. In addition, the appeal must give the address or location and description of the property, project, or facility with which the appeal is concerned and the name of the applicant or any permits involved in the appeal. The appellant must also serve a copy of the Notice of Appeal in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is 2418 Airport Road, Suite 1, Barre, VT. 05641-8701 (phone: 802-479-4487)

This permit does not relieve you of the responsibility of obtaining permission from the affected property owners, nor the responsibility of obtaining all other necessary Local, State, or Federal permits.

Recent litigation involving the public trust doctrine raises concern that agency permits for stream alterations, dams or a water quality certificate may be challenged for lack of jurisdiction or authority. We want to alert you to the possibility that litigation or legislative action may modify or retroactively affect the agency's actions.

If the project is constructed as you have described, as shown on the above referenced approved plans and according to the above conditions, there is no reason to expect any violation of VT Water Quality Standards.

Signed this 1st day of May, 2015
David K. Mears, Commissioner
Department of Environmental Conservation

by: 
Josh Carvajal, P.E. CFM, River Management Engineer

cc: Project e-file
Chet MacKenzie - Vermont Fish and Wildlife
Jeff DeGraff - Otter Creek Engineering